

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Kelly L. Nieding,

Case No. 3:13 CV 666

Plaintiff,

O R D E R

-vs-

JUDGE JACK ZOUHARY

Commissioner of Social Security,

Defendant.

This Court has reviewed the Report and Recommendation (“R&R”) of the Magistrate Judge filed December 20, 2013 (Doc. 17). The R&R recommends this Court vacate the decision of the Commissioner and remand Plaintiff’s case for further proceedings (*id.* at 10–11). Defendant filed a document notifying this Court that she will not be filing an objection to the R&R (Doc. 18).

The decision not to file objections within the 14-day time frame set forth in 28 U.S.C. § 636(b) constitutes a waiver of *de novo* review by the district court. *See United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005); *Thomas v. Arn*, 474 U.S. 140 (1985). The R&R, which accurately states the facts and law, is adopted in its entirety. Accordingly, the Commissioner’s final decision is vacated and this case is remanded for further proceedings pursuant to 42 U.S.C. § 405(g).

IT IS SO ORDERED.

s/ Jack Zouhary  
JACK ZOUHARY  
U.S. DISTRICT JUDGE

January 9, 2014